

## LINE ITEM 7

### CITY OF PRESIDIO BUSINESS (NEW/OLD)

- j. Discussion / action of Ordinance 2017-10, "AN ORDINANCE OF THE CITY OF PRESIDIO, TEXAS, REGULATING COMMERCIAL VEHICLE PARKING REGULATIONS AND ENFORCEMENT AND CREATING EXCEPTIONS FOR CERTAIN TEMPORARY COMMERCIAL VEHICLE PARKING AND FOR THE PARKING OF BUSES AT CERTAIN FACILITIES"

## ***Ordinance No. 2017-10***

**AN ORDINANCE OF THE CITY OF PRESIDIO, TEXAS, REGULATING COMMERCIAL TRANS MIGRANT EXPORT VEHICLES BONDED THROUGH THE REPUBLIC OF MEXICO PARKING WITH CITY REGULATIONS AND ENFORCEMENT AND CREATING EXCEPTIONS FOR CERTAIN TEMPORARY COMMERCIAL VEHICLE PARKING AND FOR THE PARKING OF BUSES AT CERTAIN FACILITIES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY NOT TO EXCEED ONE-THOUSAND DOLLARS (\$1000.00) FOR EACH OFFENSE AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, it has been demonstrated that the current parking regulations relating to commercial vehicles no longer protect and serve the best interest of the public in the City of Presidio; and

**WHEREAS**, the City Council finds that it is in the best interest of the citizens of the City to revise the current commercial parking regulations by clarifying the regulations and excepting from such regulations certain temporary commercial vehicle parking and the parking of passenger buses in connection with entertainment, lodging and other facilities to which members of the public may arrive by passenger bus;

**WHEREAS**, the City Council desires to regulate the parking of Trans Migrant commercial export traffic vehicles on city streets and rights of ways; No Car Camping shall be allowed within the City Limits or ETJ. This will include public state roadways, local streets o, alleys, vacant lots, private or public parking lots, parks, industrial park or desert without an approved City issued permit;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PRESIDIO, TEXAS:**

**SECTION 1.** That the Code of Ordinances of the City of Presidio, Texas, is hereby amended to read as follows. In all other respects of said Code, said Chapters and Articles to remain in full force and effect, to the extent not in conflict with this Ordinance:

### **STOPPING, STANDING AND PARKING**

#### **COMMERCIAL VEHICLE PARKING**

#### **SECTION 2. Definitions.**

For the purpose of this ordinance, the following terms shall carry the meanings as set out below:

*Authorized emergency trucks* mean fire department trucks, police trucks, public ambulances for which permits have been issued by the State Board of Health, emergency trucks of municipal or volunteer departments or public service corporations as are designated or authorized by the governing body of an incorporated city, private trucks operated by volunteer fireman or certified emergency medical volunteers while answering a fire alarm or responding to a medical emergency, and trucks owned by the state or by a political subdivision engaged in emergency utility repair or electric, water, or wastewater service.

*Commercial truck* means any motor vehicle designed or used for the transportation of property, excluding a passenger bus, passenger automobile, motorcycle, panel delivery truck or pickup truck.

*Commercial vehicle* shall mean truck-tractor, road tractor, semi-trailer, bus, truck or trailer. Commercial vehicle shall also mean any export vehicle or in transit vehicle.

*Export vehicle* shall mean any vehicle temporarily permitted to be in transit in the State of Texas, and which is waiting the required minimum of 72 hour or more for export permits to be processed or through the Republic of Mexico; including any trailers or towed vehicles attached or part of any such export permits(s) with a City approved Customs broker.

*Integral part of a lawfully zoned business* shall mean the operation and use of a commercial vehicle to deliver

merchandise, or transport tools, equipment or supplies necessary to the operation of the lawfully zoned business and other uses of commercial vehicle without which the operation of said business would be substantially hindered. Remote and incidental uses of a commercial vehicle in connection with a business, such as advertising, name exposure and promotion, except where such is specifically permitted by the zoning ordinance, shall not be deemed use as an integral part of such business.

*Motor vehicle* means every vehicle that is self-propelled.

*Semitrailer* means every vehicle of the trailer type so designated or used in conjunction with a motor vehicle that some part of its own weight and that of its own load rests upon or is carried by such motor vehicle.

*Trailer* means every vehicle without motor power designed or used for carrying property or passengers wholly on its own structure for commercial use and designed to be drawn by a motor vehicle, excluding trailers used for recreational or agricultural purposes and/or trailers carrying commonly recognized recreational vehicles or agricultural products.

*Truck* means a commercial truck, semitrailer, trailer, truck-tractor, special purpose vehicles or combination thereof or any combination of thereof.

*Truck-tractor* means every motor vehicle designed or used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.

*Vehicle* means every mechanical device, in, upon, or by which any person or property is or may be transported or drawn upon a public highway, including motor vehicles, commercial motor vehicles, trucks, truck-tractors, cement mixers, trailers, and semitrailers, but excepting devices moved by human power or used exclusively on stationary rails or tracks.

### **SECTION 3. Parking of commercial vehicles prohibited - public streets, alleys, etc.**

It shall be unlawful for any owner or person in control of a commercial vehicle, as defined herein, to leave, park, or stand, or permit the leaving, parking, or standing, of such vehicle upon any public highway, street, alley, parkway, boulevard or other property owned or controlled by any unit of government, except that this section shall not apply to:

- (a) Commercial vehicles while being used for street construction, maintenance, or repair;
- (b) Commercial vehicles being utilized by a company engaged in extending public service utilities;
- (c) Passenger buses taking on or discharging passengers at an approved bus stop;
- (d) A commercial vehicle parked in a loading zone for the purpose of loading or unloading freight or merchandise to a lawfully zoned business;
- (e) A commercial vehicle parked for the purpose of expeditiously delivering or picking up merchandise to or from a specific designated location or loading or unloading personal property to or from a specific designated location; and
- (f) A commercial vehicle experiencing a mechanical defect making it unsafe or impossible to proceed, for such period of time as emergency repairs are made or, if repairs cannot be made in a timely manner, until a tow truck arrives.
- (g) An export vehicle obtaining an export permit or customs permit.

#### **SECTION 4. Parking of commercial vehicles prohibited - residential areas.**

It shall be unlawful for any owner or person in control of a commercial vehicle, to leave, park, or stand, or permit the leaving, parking, or standing of such vehicle within any area of the city zoned residential area according to the *Presidio City Code Zoning Ordinance*, except that this section shall not apply to a commercial vehicle parked for the purpose of expeditiously delivering or picking up merchandise to or from a specific designated location or loading or unloading personal property to or from a specific designated location while in the normal course of business for which the commercial vehicle operates.

#### **SECTION 5. Parking of commercial vehicles - within certain zoning districts.**

It shall be unlawful for any owner or person in control of a commercial vehicle set forth herein, or any owner or person in control of property described herein to leave, park, or stand a commercial vehicle, or permit the leaving, parking, or standing of a commercial vehicle upon property within an area zoned nonresidential according to the *Presidio City Code Zoning Ordinance*, except where one or more of the following conditions exist:

- (a) The commercial vehicle is parked in an approved and city permitted parking facility, upon an approved parking surface within an area zoned commercial or industrial (C-1, C-2 and 1-1) according to the *Presidio City Code Zoning Ordinance*. **Approved surfaces shall be limited to asphalt or concrete in a (C-1, C-2) area and/or in the city limits of Presidio. Surface material shall be approved by city staff prior to installation.** For businesses, residences or empty lots that are currently nonconforming to this requirement, the city will grant a 30-day grace period for landowners in these areas to comply. The 30-day grace period for compliance shall commence upon the second reading and approval of this ordinance.
- (b) Commercial parking lots, in addition to being paved, must have an eight-foot-high opaque fence on all four sides of the commercial parking lot, so as to ensure that all vehicles parked therein are not visible to any person or vehicle from city streets. Commercial parking lots must also have security lighting approved by the city manager, or designee, and have locked and controlled access. Additionally, commercial parking lots must provide liability and premises liability insurance in a minimum amount of \$1,000,000 and collect and pay City and State Tax as required by the State Comptroller.
- (c) The commercial vehicle is parked or standing for the purpose of expeditiously loading and unloading passengers, freight or merchandise;
- (d) The commercial vehicle is parked at a lawfully zoned business establishment, wherein such commercial vehicle is utilized as an integral part of such lawfully zoned business;
- (e) The commercial vehicle is passenger bus parked on a parking lot in an area designated by the owner of the parking lot for the parking of buses, and with the consent of the owner during such period as the bus passengers are attending an event at a facility zoned for such activities, or are customers at a retail center, or in the case of a hotel or motel, during such periods of time that the bus passengers are customers of the hotel or motel;
- (f) The commercial vehicle parked is parked in a designated area at an exhibit or exhibition hall, convention center, entertainment, or similar facility when the commercial vehicle is involved in the delivery and removal of equipment, products, merchandise, livestock or other items to and from the facility. All such commercial vehicles must be identified with an official temporary parking permit issued by the facility hosting the event, and must be parked in the area designated for such vehicles. The temporary permit must identify the vehicle to which it is issued by license plate number and state, year, make, model, and color, the driver of the vehicle and the name and date or dates of the event during which the permit is valid;
- (g) The City of Presidio working with US customs and approved Custom Brokers if selected as the designated Port of Entry to Mexico the City should provide a secure overnight parking facility with fees. The facility design will accommodate customers that remain with their vehicles for 72 hours or more. This will provide long term storage of bonded commercial or export vehicles that pass through the Republic of Mexico to Central American countries;



**SECTION 6. Parking of Commercial vehicles and vehicles in transit.**

It shall be lawful for commercial vehicles and for any commercial vehicle or in transit export vehicle to park in a city owned and designated parking area.

**SECTION 7. Penalty Provision.**

Any person, firm, corporation or other entity violating any provision of this article shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined a sum not exceeding \$1000.00. for each day, or any part thereof, of violation. Each day, or any part thereof, during which a violation of this article occurs, shall not preclude the city from filing suit to enjoin the violation. The city retains all legal rights and remedies available to it pursuant to local, state and federal law.

The City shall not permit the export of any vehicle, or driving or moving of any vehicle, for which there remains a violation of this ordinance or an unpaid fine.

**SECTION 8. Effective Date**

The Ordinance shall be effective immediately upon the second reading of this ordinance and publication.

**PASSED AND APPROVED this, the 13<sup>th</sup> of November, 2019.**

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**John Ferguson, Mayor**  
**City of Presidio, Texas**

**ATTEST:**

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**Brenda Ornelas-Acuña, City Secretary**  
**City of Presidio, Texas**

[SEAL]

**APPROVED AS TO FORM:**

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**Rod Ponton, City Attorney**  
**City of Presidio, Texas**

1st Reading December 13, 2017

2<sup>nd</sup> Reading November 13, 2019